

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 8/9/2016	(3) CONTACT/PHONE Wendy Marie C. Hall, Department Administrator (805) 781-5295	
(4) SUBJECT Request to approve a grant of extension of time to commence collection of food waste as a recyclable material for the Solid Waste Collection Franchise Agreement with Mid-State Solid Waste and Recycling Services, Inc. Districts 1 and 5.			
(5) RECOMMENDED ACTION It is recommended that the Board approve and execute a grant of extension of time to commence collection of food waste as a recyclable material for the Solid Waste Collection Franchise Agreement with Mid-State Solid Waste and Recycling Services, Inc.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: 6/17/14, #26	
(17) ADMINISTRATIVE OFFICE REVIEW David E. Grim			
(18) SUPERVISOR DISTRICT(S) District 1 District 5			

Reference: 16AUG09-C-1

County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works

Wendy Marie C. Hall, Department Administrator

VIA: John Diodati, Deputy Director of Public Works

DATE: 8/9/2016

SUBJECT: Request to approve a grant of extension of time to commence collection of food waste as a recyclable material for the Solid Waste Collection Franchise Agreement with Mid-State Solid Waste and Recycling Services, Inc. Districts 1 and 5.

RECOMMENDATION

It is recommended that the Board approve and execute a Grant of Extension of Time to Commence Collection of Food Waste as a Recyclable Material for the Solid Waste Collection Franchise Agreement with Mid-State Solid Waste and Recycling Services, Inc.

DISCUSSION

On June 17, 2014, your Board approved a Solid Waste Collection Franchise Agreement with Mid-State Solid Waste and Recycling Service, Inc. ("Franchisee") pursuant to which Franchisee provides Solid Waste and Recyclable Materials Collection services within portions of unincorporated County ("Agreement"). Article 5.1.2.2 of the Agreement requires Franchisee to commence collecting food waste as a recyclable material within two years of the effective date of the Agreement:

On or before twenty-four (24) months following the Effective Date and throughout the remainder of the Term of this Agreement and any extension thereof, Franchisee shall Collect Food Waste that has been properly set out for collection by the generator within the Franchise Area as a Recyclable Material in accordance with the terms and conditions set forth in this Agreement.

At the same time, Article 5.1.2.2.1 authorizes the Franchisee to submit a written request for a two-year extension to the above-described deadline to the County under certain circumstances:

Notwithstanding Section 5.1.2.2, should County determine that Franchisee, proceeding with due diligence and without fault, has been unable to timely satisfy the requirements of Section 5.1.2.2, Franchisee may submit to the County a written request for a twenty-four (24) month extension for performance ("First Extension").

The Agreement requires that a request for extension be accompanied by sufficient documentation clearly demonstrating that the delay is through no fault of Franchisee. Given that the Board Chair signed the Agreement on June 17, 2014, the deadline under Article 5.1.2.2 of the Agreement is currently June 17, 2016.

Pursuant to Article 5.1.2.2.1 and Article 5.1.2.2.3, Franchisee has submitted a written request for extension based on the following:

Franchisee has been actively and diligently working with CalRecycle on permitting for the North San Luis Obispo County Recycling Center to accept commercial food waste. CalRecycle required that an Initial Study be completed. Franchisee is actively working on the Initial Study which is in the final stages and expected to be available for public review in August. Staff anticipates Franchisee will complete its application to CalRecycle following public review of the Initial Study in August.

Franchisee is prepared to collect residential food waste from urban areas within the Franchise Area and is presently engaged in the rate review process with the Auditor Controller's Office, and is planning to initiate collection after rates are approved. Franchisee is also fully engaged with the County Planning and Building Department on a conditional use permit application that will allow Franchisee more truck trips to the Creston composting facility along with removing the 10% food waste limit.

It is anticipated that Franchisee will collect commercial and residential food waste within the next six months to a year.

Based on the above, staff believes that Franchisee has submitted adequate documentation demonstrating that its failure to meet the deadline is through no fault of Franchisee and, therefore, recommends that the Board grant an extension of time.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has reviewed and approved the Grant of Extension of Time to Commence Collection of Food Waste as a Recyclable Material as to legal form and effect.

FINANCIAL CONSIDERATIONS

Today's recommended action deals with an amendment to the Solid Waste Collection Franchise Agreement and has no financial impact.

RESULTS

Approval of the recommended action will provide the Franchisee the time necessary to implement a food and waste recycling program within the Franchise Area which will help lead to a healthy and livable community.

ATTACHMENTS

1. Vicinity Map
2. Solid Waste Collection Franchise Agreement
3. Solid Waste Collection Franchise Extension

File: CF 750.100.10.01A Mid-State Solid Waste & Recycling Solid Waste Collection Franchise Agreement

Reference: 16AUG09-C-1

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